

Docket No.:

In re:

US National Application No.: US National Filing Date: International Application No.:

International Filing Date:

Title: Medicament Carrier

PCT Notice of Missing Requirements mailed:

April 8, 2002

PG3694USW

PCT/EP00/03518

April 19, 2000

10/031,261

Stanley George BONNEY

Commissioner for Patents

**BOX PCT** 

Washington, DC 20231

Attn: DO/EO/US

PCT Response to Notification of Missing Requirements under 35 USC 371 in the DO/EO/US

Sirs:

In response to the PCT Notification of Missing Requirements under 35 USC 371 in the DO/EO/US and mailed to us on April 08, 2002, we submit the following response.

The missing declarations for Stanley George BONNEY, Michael Birsha DAVIES, James William GODFREY, Sylvia Maria HAGLUND and Paul Kenneth RAND were submitted on January 10, 2002 as a 2<sup>nd</sup> transmission under 35 USC 371. A copy of this transmission is attached along with the return post card and express mail receipt..

### Documents attached

- Copy of Form PCT/DO/EO/905
- Copy of 2<sup>nd</sup> transmission under 35 USC 371 with signed declarations for each inventor and with a copy of post card and express mail receipt

Please charge our deposit account 07-1392 for all required fees taking note that we have already paid the \$130.00 for late declarations when we filed our 2<sup>nd</sup> transmission under 35 USC 371...

Respectfully submitted,

Date: 29 APRIL

James P. RIEK

Attorney of Record 39,009

GlaxoSmithKline.

Corporate Intellectual Property Department Five Moore Drive, PO Box 13398

Research Triangle Park, NC 27709

Telephone: 919-483-2370

Fax: 919-483-7988



UNITED STATES PATENT AND TRADEMARK OFFICE

IPSS Elaine

Commissioner for Patents, Box PCT United States Patent and Trademark Office Washington, D.C. 20231

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO. 10/031,261 tanley George Bonney PG3694 USW INTERNATIONAL APPLICATION NO. 23347 PCT/EP00/03518 DAVID J LEVY, CORPORATE INTELLECTUAL PROPERTY I.A. FILING DATE PRIORITY DATE GLAXOSMITHKLINE 04/19/2000 (C) Z 04/24/1999 FIVE MOORE DR. PO BOX 13398 **DURHAM, NC 27709-3398** CONFIRMATION NO. 5050 APR 1 5 2002 371 FORMALITIES LETTER 

Date Mailed: 04/08/2002

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

GLOBAL INTELLECTUAL PROPERTY

- U.S. Basic National Fees
- Priority Document
- · Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

CP Docket Not PG 369 4US W
Attorney: JPR
Paper: N/MISS REQUIREMENTS - DUE
Due Date: O8 JUN 02

Due Date: 08 JUN 03.
Deadline: 08 OCT 03.
Recorded: Torc

\*OC000000007803224\*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

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	DOCKET NO . P	G3694USW		
	SERIAL NO.:			
	TITLE: Medic	ament Paris	LEOT Rec'd PCT/PTO 1 0 JAN 2002	
		of the Patent Office In	TO VAIL LOOK	
	papers indicated	below are received.	reon may be considered as the date on which	
•	— Application	———— pages _		
1	Abstract	pages _	claims	
	Assignment	w/Coverletter	Ronne	
•	Drawings (	sheets)	Davies	
	E Declaration/	ath w/Power of Attack	Hadimi	
	Fee Authoriz	ation & Deposit Accou	ney Unexecuted \_ Executed Haglund	
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	Amendment	( CER	1.56) w/o References w/References	

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\_ Petition for Extension of Time

Issue Fee TransmittalNotice of AppealAppeal Brief

Req. for Oral Hearing

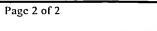
Certificate of Mailing

CERTIFICATEOF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)  Applicant(s): Stanley George BONNEY et al  Docket No. PG3694USW					
Serial No.	Filing Date	Examiner	Group Art Unit		
Invention: Medicament	Carrier				
	e following correspondence: PCT application under 35 USC 37	in the DO/EO/US			
	(Identify type	of correspondence)			
is boing deposited wif			  dressee" service under		
37 CFR 1.10 in an end (Date)	is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on    Manuary   D   Quo 2				
	Note: Each paper must h	ave its own certificate of mailing.			

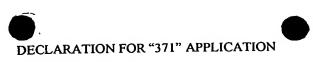
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FORM P	TO-1390	(Modified) U.S. DEPARTN	OF COMMERCE PATENT AND TRADEMARK OFFICE	AT .EY'S DOCKET NUMBER		
(102111	TR	ANSMITTAL LETTER	TO THE UNITED STATES	PG3694USW		
		DESIGNATED/ELECTE	D OFFICE (DO/EO/US)	U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR		
	(	CONCERNING A FILIN	G UNDER 35 U.S.C. 371			
INTER		ONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED		
INTER		PCT/EP00/03518	19 April 2000	24 April 1999		
TITLE	OF IN	VENTION				
Med	icam	ent Carrier				
•						
APPLI	CANT	(S) FOR DO/EO/US		THE WALL BY A STANDARD BY A		
	•	•	rsha DAVIES; James William GODE	FREY; Sylvia Maria HAGLUND, Paul		
	•	RAND				
Appli	cant h	erewith submits to the United Sta	tes Designated/Elected Office (DO/EO/US)	the following items and other information:		
1.	, 🗆	This is a FIRST submission of it	tems concerning a filing under 35 U.S.C. 37	71.		
2.	፟	This is a SECOND or SUBSEQ	UENT submission of items concerning a fil	ing under 35 U.S.C. 371.		
3.	— 1 (05 V 0 0 07 V 0 0 07 V 0 0 0 0 0 0 0 0 0 0					
4.		The US has been elected by the	expiration of 19 months from the priority da	te (Article 31).		
5.	——————————————————————————————————————					
		a.  is attached hereto (required only if not communicated by the International Bureau).				
		b.  has been communicated by the International Bureau.				
	c.  is not required, as the application was filed in the United States Receiving Office (RO/US).					
6.	☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).					
		a.  is attached hereto.				
		b.   has been previously sub	bmitted under 35 U.S.C. 154(d)(4).			
7.		Amendments to the claims of the	International Application under PCT Artic	le 19 (35 U.S.C. 371 (c)(3))		
		a. are attached hereto (req	uired only if not communicated by the Inter	rnational Bureau).		
		b.  have been communicate	ed by the International Bureau.			
		c. have not been made; ho	owever, the time limit for making such amer	ndments has NOT expired.		
		d.  have not been made and	d will not be made.			
8.		An English language translation	of the amendments to the claims under PCT	Article 19 (35 U.S.C. 371(c)(3)).		
9.	$\boxtimes$	An oath or declaration of the inv	entor(s) (35 U.S.C. 371 (c)(4)). Bonne	y, Davies, Godfrey, Haglund, Rand		
10.		An English language translation Article 36 (35 U.S.C. 371 (c)(5))	of the annexes to the International Prelimina	ary Examination Report under PCT		
11.5		A copy of the International Preli	minary Examination Report (PCT/IPEA/409	9).		
12.	□.	A copy of the International Search	ch Report (PCT/ISA/210).			
It	ems 1	3 to 20 below concern documen	t(s) or information included:			
13.			ement under 37 CFR 1.97 and 1.98.			
14.		An assignment document for rec	ording. A separate cover sheet in compliance	ce with 37 CFR 3.28 and 3.31 is included.		
15.		A FIRST preliminary amendme				
16.		A SECOND or SUBSEQUENT				
17.		A substitute specification.				
18.		A change of power of attorney a	nd/or address letter.			
19.		A computer-readable form of the	e sequence listing in accordance with PCT R	Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.		
20.		A second copy of the published	international application under 35 U.S.C. 15	54(d)(4).		
21.		A second copy of the English la	nguage translation of the international applic	cation under 35 U.S.C. 154(d)(4).		
22.	$\boxtimes$	Certificate of Mailing by Expres	s Mail			
23.		Other items or information:				
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U.S. Al	U.S. APPLICATION NO. (IF KNOWN, SEESE CFR INTERNATIONAL APPLICATION NO. PCT/EP00/03518				ATTORNEY'S DOCKET NUMBER PG3694USW			
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24. RASIC		lowing fees are submitted:. L FEE ( 37 CFR 1.492 (a) (1) -	(5)):			CA	LCULATIONS	PTO USE ONLY
	<ul> <li>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO</li></ul>							
	USPTO but	preliminary examination fee (37 International Search Report prepare	ared by the EPO or JPO					
·	International but internation	preliminary examination fee (37 onal search fee (37 CFR 1.445(a)	CFR 1.482) not paid to (2)) paid to USPTO	USPTC	) \$740.00			
	but all claim	l preliminary examination fee (37 s did not satisfy provisions of PC	T Article 33(1)-(4)		\$710.00			
Π.	International and all claim	l preliminary examination fee (37 as satisfied provisions of PCT Art	ticle 33(1)-(4)	• •	\$100.00			
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				SUB'	TOTAL =		\$130.00	
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Fee for	r recording the	te enclosed assignment (37 CFR appropriate cover sheet (37 CFR	1.21(h)). The assignmen 3.28, 3.31) (check if ap	it must l	be le).		\$0.00	
	<u> </u>		TOTAL FEES I			1	\$130.00	
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COMBINED DECLADA	TION FOR UTILITY OF	R DESIGN PATENT	ATTORNEY'S DOCKET PG3694USW			
APPI ICATION WITH	POWER OF ATTORNEY		First Names Inventor:			
All Dicarion with			Stanley BONNEY			
		,	Complete if known:			
( ) Declaration submitted with initial f	iling or		App No.:			
•	)Declaration submitted after initial filing (surcharge required 37CFR1.16(e))					
( )Decimation submitted and Lines			Filing Date			
			Group Art Unit:			
As below named	nventor. I hereby declare that:					
My residence, post office a	ddress and citizenship are as stated bel	ow next to my name.				
I believe I am the original (if plural names are listed entitled:	first and sole inventor (if only one nan below) of the subject matter which is cl	ne is listed below) or an original, laimed and for which a patent is	first and joint inventor sought on the invention			
	MEDICAMENT (	CARRIER				
the specification of which	(check only one item below):					
[ ]is attached hereto. OR						
[ x ] was filed on 19 Apri	1 2000 as United States application Ser		International			
applicable)	T/EP00/03518 filed_and was amended of		(if			
I hereby state that I have a as amended by any amend	reviewed and understand the contents o Iment specifically referred to above.	f the above-identified specification	on, including the claims,			
I acknowledge the duty to	disclose information which is material	to patentability as defined in 37	CFR §1.56.			
I hereby claim foreign pri	ority benefits under 35, U.S.C. §119 (a	)-(d) or §365(b) of any foreign ap	oplications(s) for patent			
l contificate of	365(a) of any PCT international applicational, listed below and have also identification.	cation which designated at least t	file country outer diam			
the United States of Ame	rtificate or of any PCT international ap	plication having a filing date bef	ore that of the			
application on which price	rity is claimed:					
PRIOR FOREIGN AND ANY P	RIORITY CLAIMS UNDER 35 U.S.	C. 119:				
Prior Foreign Application	Country	Foreign Filing Date (MM/DD/YYYY))	PRIORITY CLAIMED			
Number (s)	GB	4/24/1999	X			
1 9909357.7	<u> </u>					
3.						
4.						
5.	itle 35, United States Code §119(e) of	any United States provisional app	olication(s) listed below:			
I hereby claim the benefit under I Application No.	Filing Da	te (MM/DD/YYYY)				
Application No.						
2.						
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# COMBINED DECLARATION FOR UTILITY or DESIGN PATENT APPLICATION WITH POWER OF ATTORNEY

PRIOR U.S. PARENT APPLICATION or PCT PARENT APPLICATION

U.S. Patent and Trademark Office connected therewith. (List name and registration number)

ATTORNEY'S DOCKET NUMBER
PG3694USW

ABANDONED

STATUS (Check one)

PENDING

PATENTED

Continued

U.S. Parent Application or PCT Parent

Number

I hereby claim the benefit under 35, U.S.C. §120 of any United States application or §365(c) of any PCT international application designating the United States of America that is listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT

International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

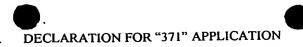
Parent Filing Date

(MM/DD/YYYY)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the

Char Karer Robe	les E. Dadswell  L. Prus  H. Brink  F	Reg. No. 27,655 Reg. No. 35,851 Reg. No. 39,337 Reg. No. 36,094 g. No. 38,181	James P. Riek Virginia C. Bennett Frank P.Grassler Christopher P. Rogers	Reg. No. 39,009 Reg. No. 37,092 Reg. No. 31,164 Reg. No. 36,334	Bonnie L. Deppenbrock Reg. No. 28,209 John L. Lemanowicz Reg. No. 37,380. Amy H. Fix Reg. No. 42,616
Send Correspondence to:  David J. Levy, Patent Counsel  Corporate Intellectual Property Department  GlaxoSmithKline  Five Moore Drive, PO Box 13398		23347 PATENT TRADEMARK OFFICE		Direct Telephone Calls to:  James P. Riek 919-483-8022	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willfur false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
2	FULL NAME OF INVENTOR INVENTOR'S	BONNEY Signature	FIRST G Stanle	IVEN NAME CY	SECOND GIVEN NAME/INITIAL George Date: X 12th Dec. 01
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1	POST OFFICE ADDRESS	GlaxoSmithKline Five Moore Drive	Durh		North Carolina 27709, US
2	FULL NAME OF INVENTOR INVENTOR'S	FAMILY NAME DAVIES Signature	Mich	ael	SECOND GIVEN NAMEZINITIAL  Birsha  Date x /3 Dec 2001
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2	POST OFFICE ADDRESS	FOST OFFICE ADDRESS GlaxoSmithKline Five Moore Drive	Durh	am	North Carolina 27709, US
2	FULL NAME OF INVENTOR INVENTOR'S	FAMILY NAME GODFREY Signature	Jame	CIVEN NAME CS	SECOND GIVEN NAMEZINITIAL William Date x / 9 1 1 1 C 2 3 (1)
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3	POST OFFICE ADDRESS	FOST OFFICE ADDRESS GlaxoSmithKline Five Moore Drive	Durt	nam	North Carolina 27709, US
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	TTRI MANGE	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME/INITIAL
ا ۾ ا	FULL NAME OF INVENTOR	HAGLUND	Sylvia	Maria
2		Signature		Date
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	FULL NAME	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME/INITIAL
2	OF INVENTOR	RAND	Paul	Kenneth
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		OR DESIGN PATENT	ATTORNEY'S DOCKET PG3694USW
<b>APPLICATION WITH</b>	POWER OF ATTORN	NEY	First Names Inventor:
			Stanley BONNEY
			Complete if known:
( ) Declaration submitted with initial for	ling or		App No.:
			1
( )Declaration submitted after initial fi	ing (surcharge required 37CFR1.16(c	e))	Filing Date
7			
			Group Art Unit:
•			
. As below named i	nventor. I hereby declare that:		
My residence post office a	ddress and citizenship are as state	ed helow next to my name.	
•			
I believe I am the original,	first and sole inventor (if only one	e name is listed below) or an original	, first and joint inventor
(if plural names are listed the entitled:	elow) of the subject matter which	n is claimed and for which a patent is	sought on the invention
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	MEDICAME	ENT CARRIER	
the specification of which	(check only one item below):		
the specification of which	ioneon only one near one		
[ ]is attached hereto.			
OR	2000 as United States application	n Serial No or PCT	International
Application Number PCT applicable)	/EP00/03518 filed and was amen	ded on (MM/DD/YYYY)	(if
The should should be a Theorem		nts of the above-identified specificati	on including the claims
	ment specifically referred to above		on, including the claims,
I acknowledge the duty to	disclose information which is mat	terial to patentability as defined in 37	CFR §1.56.
I hereby claim foreign pric	rity benefits under 35, U.S.C. §11	19 (a)-(d) or §365(b) of any foreign a	pplications(s) for patent
or inventor's certificate or	365(a) of any PCT international a	pplication which designated at least of	one country other than the
United States of America,	listed below and have also identifi	ied below, by checking the box, any to pplication having a filing date before	oreign application for
which priority is claimed:	ate of of any FCT international ap	pplication having a filling date before	that of the application on
PRIOR FOREIGN AND ANY PR			DDIODITY
Prior Foreign Application Number (s)	Country	Foreign Filing Date (MM/DD/YYYY))	PRIORITY CLAIMED
1 9909357.7	GB	4/24/1999	X
2			
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4.			
5.  I hereby claim the benefit under Tit	le 35. United States Code 8119(e)	of any United States provisional app	lication(s) listed below:
Application No.		g Date (MM/DD/YYYY)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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### COMBINED DECLARATION FOR UTILITY or DESIGN PATENT APPLICATION WITH POWER OF ATTORNEY Continued

ATTORNEY'S DOCKET NUMBER PG3694USW

I hereby claim the benefit under 35, U.S.C. §120 of any United States application or §365(c) of any PCT international application designating the United States of America that is listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

		-	STATUS (Check	one)
U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	PATENTED	PENDING	ABANDONEI

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith. (List name and registration number)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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DECLARATION FOR "371" APPLI	CATION
•	

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Serial No. 10/031,261	Filing Date To be Assigned	Examiner	Group Art Unit
Invention:			
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I hereby certify that this Response to PCT Notification of Missing Requirements  (Identify type of correspondence)			
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